

Remarks

Applicant thanks the Examiner for a telephone conference on June 1, 2007, during which the Notice of Non-Responsive Election was discussed. Specifically, Applicant pointed out that the Response to Restriction Requirement sent January 10, 2007 did in fact include an election of particular sequences for each pending claim. The Examiner requested clarification of the relationship among the elected sequences, and Applicant explained the following:

1. With regard to claims 39-48; elected SEQ ID NO.:43 corresponds to a target sequence in the NP gene;
2. With regard to claims 64 and 65, elected SEQ ID NOs: 93 and 188 (sense) and 94 and 189 (antisense) correspond to sense and antisense sequences, where the sense sequences are virtually identical to SEQ ID NO:43;
3. With regard to claims 69, 97, and 182, elected SEQ ID NOs.: 93 and 188 (sense) are the identical sense sequences elected with regard to claims 64 and 65;
4. With regard to claims 49-58, even-numbered SEQ ID NOs.: 190-268 correspond to target, sense and antisense sequences elsewhere in the NP gene.

Applicant expressed the view that different targets within the same gene (NP) could properly be analyzed in the same case, as a single search of the NP gene sequence (with appropriate windows) would find all relevant art.

The Examiner indicated a willingness to consider treating the set of sequences elected for claims 39-48, 64, 65, 69, 97, and 182 as an elected species rather than a restricted group, and to rejoin claims 49-58 and their NP sequences should the first set be allowable. In order to facilitate this analysis, Applicant has added new claim 201, which serves as a linking claim with regard to these species.

Applicant would also like to reiterate certain points made in the Response to Restriction Requirement of January 10, 2007. In particular, Applicant submits that the process claims of Group III, Group IV, and Group V cannot be practiced with a materially different product than the compositions of Group I. For example, the method claims of Group V are directed to making a composition of Group I, and so cannot be used to make a materially different product. Group I also is linked to Group III and Group IV by linking claims 1 and 86 contained in Group I. If claim 1 or 86 is allowed, Groups III and IV should be rejoined and examined and/or allowed. Group I is also linked to Group V by linking claim 145 contained in Group I. If claim 145 is allowed, Group V should be rejoined and examined and/or allowed. Group I is also linked to Groups III and IV by linking claims 81-82. If either claim 81 or 82 is allowed, Groups III and IV

should be rejoined and examined and/or allowed.

Applicant is willing to withdraw the traverse if Examiner agrees to rejoin Groups III, IV, and V upon allowance of the linking claims and/or claims of Group I. Applicant withdraws Group II, reserving rights to rejoin and/or to pursue prosecution in a separate application.

Applicant thanks the Examiner for careful consideration of this case. Examiner is invited to telephone the undersigned if there is any question about Applicant's position or if a conversation is otherwise warranted.

Please charge any necessary fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

/BHJarrell/
Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39,233

Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
tel (617) 248-5175
fax (617) 248-4000
bjarrell@choate.com

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